

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JERRY ELKINS,)	
)	
Movant,)	
)	
v.)	No. 4:16 CV 645 CDP
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Movant filed a “Motion to Dismiss Counts I and XIII of the Indictment” in this closed § 2255 case while movant’s motion for certificate of appealability was on appeal. The Eighth Circuit Court of Appeals denied the certificate of appealability and dismissed his appeal on September 18, 2018. The Eighth Circuit denied the petition for rehearing en banc and the petition for rehearing by the panel on November 20, 2018. Movant’s motion to dismiss does not state any grounds for relief in this closed case and will be denied. As this case is closed, movant’s motion for appointment of counsel will also be denied.

Accordingly,

IT IS HEREBY ORDERED that movant’s motion to dismiss [28] and motion for appointment of counsel [32-2] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of November, 2018.